

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listing, of claims in the application:

1. (Amended): An isolated polynucleotide, comprising:
  - (a) at least one copy of a polynucleotide having the sequence set forth in SEQ ID NO:9;  
or
  - (b) a polynucleotide which is a variant ~~or fragment~~ of the polynucleotide set forth in SEQ ID NO:9, wherein the variant hybridizes to SEQ ID NO: 9 or its complement under 5x SSC and 42°C wash conditions and ~~or fragment~~ has a plant genetic insulator activity.
2. (Amended): The isolated polynucleotide of claim 1, wherein the ~~variant~~polynucleotide comprises at least one copy of a polynucleotide having a sequence set forth in the group consisting of SEQ ID NOS:1, 5, 9, 10, 11, 12, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 34, 35 or 36.
3. (Amended): ~~The isolated polynucleotide of claim 1, further comprising a~~A replicable vector comprising the isolated polynucleotide of claim 1; ~~into which the polynucleotide is inserted.~~
4. (Amended): The ~~isolated replicable vector~~polynucleotide of claim 3, wherein the vector is an expression vector.
5. (Amended): The ~~isolated replicable vector~~polynucleotide of claim 3, wherein the vector is a plant vector.
6. (Amended): ~~The isolated polynucleotide of claim 3, further comprising a~~A host cell comprising the isolated polynucleotide of claim 1; ~~in which the vector is situated.~~
7. (Amended): The ~~isolated host cell~~polynucleotide of claim 6, wherein the host cell is a plant cell.
8. (Amended): ~~The isolated polynucleotide of claim 3, further comprising a~~A transgenic plant comprising the isolated polynucleotide of claim 1; ~~in which the vector is situated.~~
9. (Amended): The ~~plant~~isolated polynucleotide of claim 8, wherein the plant is *Arabidopsis* or tobacco.
10. (Amended): ~~The isolated polynucleotide of claim 3, further comprising a~~A transgenic seed comprising the isolated polynucleotide of claim 1; ~~in which the vector is situated.~~
11. (Amended): A recombinant polynucleotide, comprising:
  - (a) at least one copy of a polynucleotide having the sequence set forth in SEQ ID NO:9;  
or
  - (b) a polynucleotide which is a variant ~~or fragment~~ of the polynucleotide set forth in SEQ ID NO:9, wherein said variant hybridizes to SEQ ID NO: 9 or its complement

under 5x SSC and 42°C wash conditions and or fragment has a plant genetic insulator activity.

12. (Withdrawn): A method for expressing a polypeptide in a plant cell, comprising the steps of:
  - (a) providing a vector comprising:
    - (i) at least one copy of either
      - (A) a polynucleotide having the sequence set forth in SEQ ID NO:9; or
      - (B) a polynucleotide which is a variant or fragment of the polynucleotide set forth in SEQ ID NO:9, wherein the variant or fragment has a plant genetic insulator activity; and
    - (ii) a structural polynucleotide coding for a polypeptide;
  - (b) inserting the vector into a plant cell, wherein the genetic insulator polynucleotide is recombined into the genomic DNA of the plant; and
  - (c) allowing the plant cell to express the polypeptide.
13. (Withdrawn): The method according to claim 12, wherein the genetic insulator polynucleotide is located immediately upstream of the polynucleotide encoding the polypeptide.
14. (Withdrawn): The method according to claim 13, wherein the plant is *Arabidopsis* or tobacco.
15. (Withdrawn): A method of making a recombinant plant cell having reduced variability of expression of a transgenic polypeptide therein, said method comprising:
  - (a) providing a plant cell capable of regeneration;
  - (b) transfecting said plant cell with a polynucleotide construct comprising
    - (i) a genetic insulator polypeptide, comprising:
      - (A) at least one copy of a polynucleotide having the sequence set forth in SEQ ID NO:9; or
      - (B) a polynucleotide which is a variant or fragment of the polynucleotide set forth in SEQ ID NO:9, wherein the variant or fragment has a plant genetic insulator activity;
    - (ii) a transcription initiation region; and
    - (iii) a structural polynucleotide encoding a polynucleotide;wherein the genetic insulator polypeptide, the transcription initiation region and the structural polynucleotide are operatively associated;  
wherein the polynucleotide expression has a reduced variability as compared with a plant cell transfected with a polynucleotide construct that does not contain the genetic insulator polypeptide.
16. (Withdrawn): The method of claim 15, wherein expression of the transgenic polypeptide occurs in more of a plurality of the plant cells as compared to a plurality of the plant cells transfected with a polynucleotide construct that does not contain the genetic insulator polypeptide.

17. (Withdrawn): A method for insulating the expression of a transgenic polypeptide from *cis*-acting regulatory elements in the plant chromosome into which the polynucleotide coding for the expressed polypeptide has integrated, comprising:
- transfecting a plant cell with a polynucleotide construct comprising
- (a) a genetic insulator polypeptide, comprising:
    - (i) at least one copy of a polynucleotide having the sequence set forth in SEQ ID NO:9; or
    - (ii) a polynucleotide which is a variant or fragment of the polynucleotide set forth in SEQ ID NO:9, wherein the variant or fragment has a plant genetic insulator activity;
  - (b) a transcription initiation region; and
  - (c) a structural polynucleotide encoding a polynucleotide;
- wherein the genetic insulator polypeptide, the transcription initiation region and the structural polynucleotide are operatively associated;
- wherein the transfected polynucleotide construct integrates into a chromosome of the plant cell; and
- wherein the expression of the polypeptide from the integrated polynucleotide is insulated from *cis*-acting regulatory elements in the plant chromosome into which the polynucleotide coding for the expressed polypeptide has integrated.